REMARKS

The Office Action dated November 21, 2003 has been read and carefully considered, and the present response is submitted in order to assist in the identification of invention.

In particular, in the aforesaid Office Action, claims 1-5 and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Feld, U.S. Patent 5,867,853 in view of Wakeland, U.S. Patent 4,109,887. Claims 8 and 16-17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Feld in view of Wakefield and further in view of Feld, U.S. Patent 6,076,212. Claims 9-13 were allowed and claims 6-7, 14 and 18 were objected to as being dependent upon a rejected base claim but were indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The rejection of the claims based upon the Feld '853 reference as the principal reference is respectfully traversed. First of all, it is clear that the Feld absorption material is not the same as Applicant and cannot be described to "snap on" to the bed frame rail in any manner. The Feld device, to the contrary has a thin channel that is slid over the bed rail and that thin channel is even described to be preferably slightly smaller than the thickness of the rail in order to provide a tight fit therebetween. Thus, the interfitting of the Feld device to the rail is a sliding fit where the rail surface slides into the channel to grip the rail between the interior and exterior of the device.

As such, it would defeat the very purpose and intent of the interfitting of the rail into a narrow channel in Feld to have the elongated member intermediate the outside edges to be "slightly bowed away from the bed frame component" as defined in claim 1 and would be counter to the method of Feld in securing the Feld device to the bed rail no matter what secondary reference is used to combine with Feld.

While the embodiment of Feld in Figs. 2a and 2b does show a bowed area, that embodiment does not have its outside edges "having a lip adapted to fit around an exterior edge

of the bed frame component" since the end that is bowed simply does not have a lip that is adapted to fit around any part of the angle iron.

Next, as claimed there is a lip on both of the outside edge of Applicant's protective member and which promotes the snapping of the protective member to the bed frame component and therefore the Applicants protective member must snap around both of the external edges of the bed frame component. Not only does the Feld device not snap on to the rail, but nowhere in the reference is an embodiment with a lip that fits around the exterior edges of the bed frame component. Even the embodiment of Figs. 3 and 6, there is no lip or any other portion of the device of Feld that fits around both ends of the bed frame rail and, considering the elastomeric material of the Feld device, it would not be reasonable or even practical to modify the Feld device to enclose both exterior edges of the bed frame component without totally redesigning thee Feld device, including making it out of a different material .

Again referring to claim 1, the snap on protective device of the present invention includes an elongated member having outside edges such that both of those outside edges has a lip that is adapted to fit around an exterior edge of the bed frame component. Nowhere in the Feld reference is that concept disclosed or even suggested.

Both of the outside edges of Applicant's protective member combine to create the snapping of the protective member to the bed frame component to retain the protective member to the bed frame component. It is that sandwiching of the exterior edges of the bed frame component between a lip and a projection that affixes the elongated member to the bed frame component and the Feld device does not affix to the bed rail in the same manner nor could it be modified to snap on to a rail without a total reconstruction of the Feld device and a doing away with the "channel" method of securing the Feld device to the rail, thereby being contrary to the very teaching of the Feld reference.

Simply put, the Feld device is not a not snap on protective member. To the contrary, the Feld device is a compressible material that is affixed to the steel rail by sliding the rail into a

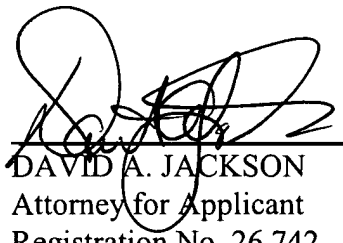
narrow channel such that the interior sides of that channel tightly grasps the rail therebetween to retain the Feld device to the rail.

Thus, it is submitted that the present invention, as now claimed, is distinguished over the Feld reference for the foregoing reasons.

As to the applicability of the secondary reference of Wakeland, that reference relates to a cap for a waterbed and, in Figure 10, there are a plurality of detents 101 that hold the cap to a side wall 3 of the waterbed. The detents of Wakeland are not for the same purpose as the projections of Applicant's invention, and somehow adding them to the Feld reference simply doesn't seem logical where they would not have any function in affixing the Feld device to a rail due to the total lack of a snapping action in Feld and the lack of lips on the outside edges of Feld.

As such, it is submitted that the present claims as discussed above, are patentable over the references of record, and an allowance of the present application is respectfully solicited.

Respectfully submitted,



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